REMARKS

The Office Action dated 06/09/2006 has been carefully reviewed.

The Office Action states that the Terminal Disclaimer filed on 08/19/2005 will not be entered because the percent of interest is not stated in the Terminal Disclaimer.

Enclosed is a Terminal Disclaimer which specifically states that applicant has not assigned or otherwise sold or licensed any portion of its interest and thus applicant owns the entire right, title and interest to the invention and the application associated therewith. The fee for the Terminal Disclaimer was filed with the paper filed on 08/19/05; accordingly, no additional fee is necessary.

Therefore, it appears that the Terminal Disclaimer for this application should be entered and accepted.

The Office Action mailed on 01/11/2006 cites Grotz and Stevens and will not be discussed again here, but reference is made to that Office Action and the response filed on 03/31/2006 for a discussion of those two references.

Neither Grotz nor Stevens has any disclosure of sutures that are fixedly secured to soft tissue and through an anchor that is fixedly secured to bone fixedly secured to the bone. In fact, Stevens has no disclosure whatsoever of sutures at all since the Stevens device is a dental implant. The disclosure of Grotz teaches tying or gathering soft tissue with sutures.

For example, Grotz, in Column 7, lines 6-8, specifically states: "In cases where sutures are required, the sutures are attached to the suture fasteners prior to insertion and used in conventional ways to tie additional soft tissue to the bone" (emphasis added here).

Further, Grotz, in Column 8, lines 6-7, specifically states: "The surgeon ties the knots..." (emphasis added here).

The teaching of Grotz is to use sutures to tie soft tissue to the device and there is absolutely no disclosure anywhere in Grotz teaching or suggesting that the soft tissue be fixedly secured to the sutures.

As is well accepted in the art (see attached examples of the knowledge in the art), tying or gathering is not the same as, or similar to, fixedly securing soft tissue. Soft tissue, such as ligaments or the like, can slip out of a knot. On the other hand, such soft tissue cannot slip out of a fixed securement, such as with a staple or the like.

Therefore, the newly added claims which specify that the soft tissue is fixedly secured to the sutures and via the fixed securement of the sutures to the anchor fixedly secured to the bone.

It is observed that the teaching of the Stevens patent cannot be used to cure this lack of teaching, especially since the Stevens patent does not even disclose sutures, and is used in a situation where soft tissue is not being connected to bone. Since sutures are not even disclosed by Stevens, clearly fixedly secured soft tissue to such not-disclosed sutures is not disclosed, suggested or taught.

The error of combining Stevens with Grotz was discussed in the 31 March 2006 response and attention is directed to that discussion.

Accordingly, even an erroneous and impermissible combination of Grotz and Stevens does not render applicant's claimed invention unpatentable.

It is also noted that the Grotz device is a multi-part device and applicant defines a one-piece anchor in Claims 58 and 59, nor does Grotz disclose or suggest a needle (especially since

Grotz only ties the soft tissue to the suture and does not fixedly secure the soft tissue to the suture, he will not need a needle) and applicant defines a needle in Claims 58, 59, 60 and 61. Therefore, these claims are further patentably distinct from the teaching of Grotz.

Therefore, the claims as presented herein should be allowed.

In view of the foregoing, it is believed that this application is now in condition for allowance. Accordingly, review and allowance are requested.

Respectfully submitted,

Terry M. Gernstein

1015 Salt Meadow Lane
McLean, VA 22101
(703) 790-5945